

HUMAN TRAFFICKING



Office of New Mexico
Attorney General
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Law Enforcement
Training Manual

Table of Contents

Human Trafficking.....	2
New Mexico Human Trafficking Law.....	3
Trafficking Victims Protection Act of 2000.....	6
Human Trafficking Myths.....	7
Recruitment.....	9
Types of Trafficking, Red Flags & Indicators.....	10
Identifying Traffickers.....	11
Methods of Control.....	12
U.S. Citizen Human Trafficking Victims Response Chart.....	13
U.S. Citizen Human Trafficking Victims Response Steps.....	14
Sex Trafficking Victims.....	15
Commercial Sex Trafficking.....	15
Identifying Sex Trafficking Victims.....	16
Domestic Minor Sex Trafficking.....	17
Labor Trafficking Victims.....	19
Identifying Labor Trafficking.....	20
Foreign National Victims.....	21
Foreign National Victims Response Chart.....	23
Foreign National Victims Response Steps.....	24
Human Trafficking vs. Smuggling.....	25
The Investigation.....	26
General Indicator Checklist.....	26
Victim Centered Investigation.....	27
Investigative Strategies.....	27

Human Trafficking Related Crimes	30
Types of Evidence	31
Case Development	32
Interview Guidelines & Tips	33
Suggested Questions for Human Trafficking Interviews	34
Interview Questions Specific for Foreign National Victims	41
Why Victims Fail to Report to Law Enforcement	42
Working with Victims	43
Working with Service Providers	44
Health Risks for Victims	45
Psychological Risks for Victims	45
Certification Process for Continued Presence	46
NM Law Enforcement Declaration for Victim of Human Trafficking	47
DHS Form I-914B for T-Visa Application	48
Human Trafficking Glossary	49
Resources	51
State Agencies	51
Law Enforcement	52
Service Providers	54
Letter to Law Enforcement	56

Victims' stories in this manual are meant to be representative and do not cover all forms of human trafficking. While the stories are true, names and locations have been changed to protect the victims' identities. Photographs in this manual do not depict real victims. They are for illustration purposes only.



Human

Trafficking

is a form of modern-day slavery, widespread throughout the United States today. Trafficking of humans is the second largest criminal industry in the world after drug dealing, and is the fastest growing. *Human trafficking is the recruitment, transportation, transfer, harboring, or receipt of persons by means of force, fraud, or coercion for the purpose of exploitation.* A person does not need to be transported to be considered a victim of trafficking. A large number of victims are trafficked within their own countries. Most victims of trafficking are forced to work in the commercial sex industry, such as prostitution or sex entertainment, or exploited for labor, such as domestic servitude or restaurant work, sweatshop factory work or migrant agricultural work. Some victims are trafficked for the purpose of organ removal.

Victims of trafficking can be any age, gender, or race, though women and children make up the largest group of victims. Force, fraud, or coercion is not required in the case of a minor engaged in sexual exploitation.

Sex Trafficking

- Recruiting, harboring, transporting, providing, or obtaining a person for a commercial sex act that is induced by force, fraud, or coercion;
- When the person induced to perform such an act is under 18 years of age, no force, fraud, or coercion is necessary.

Labor Trafficking

- Recruiting, harboring, transporting, providing, or obtaining a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

The U.S. Department of State estimates that in the last ten years 145,000 to 175,000 foreign nationals have been trafficked into the U.S. for commercial sexual exploitation or forced labor. Data suggests that at least 100,000 U.S. children are currently being exploited in the commercial sex trade in the U.S. and another 200,000 are at risk.

New Mexico Human Trafficking Law

NMSA 30-52-1. Human trafficking.

- A. Human trafficking consists of a person knowingly:
 - (1) recruiting, soliciting, enticing, transporting or obtaining by any means another person with the intent or knowledge that force, fraud or coercion will be used to subject the person to labor, services or commercial sexual activity;
 - (2) recruiting, soliciting, enticing, transporting or obtaining by any means a person under the age of eighteen years with the intent or knowledge that the person will be caused to engage in commercial sexual activity; or
 - (3) benefiting, financially or by receiving anything of value, from the labor, services or commercial sexual activity of another person with the knowledge that force, fraud or coercion was used to obtain the labor, services or commercial sexual activity.
- B. The attorney general and the district attorney in the county of jurisdiction have concurrent jurisdiction to enforce the provisions of this section.
- C. Whoever commits human trafficking is guilty of a third degree felony; except if the victim is under the age of:
 - (1) sixteen, the person is guilty of a second degree felony; or
 - (2) thirteen, the person is guilty of a first degree felony.
- D. Prosecution pursuant to this section shall not prevent prosecution pursuant to any other provision of the law when the conduct also constitutes a violation of that other provision.
- E. In a prosecution pursuant to this section, a human trafficking victim shall not be charged with accessory to the crime of human trafficking.
- F. A person convicted of human trafficking shall, in addition to any other punishment, be ordered to make restitution to the victim for the gross income or value of the victim's labor or services and any other actual damages in accordance with Section 31-17-1 NMSA 1978.
- G. As used in this section:
 - (1) "coercion" means:
 - (a) causing or threatening to cause harm to any person;
 - (b) using or threatening to use physical force against any person;
 - (c) abusing or threatening to abuse the law or legal process;
 - (d) threatening to report the immigration status of any person to governmental authorities; or
 - (e) knowingly destroying, concealing, removing, confiscating or retaining any actual or purported government document of any person; and
 - (2) "commercial sexual activity" means any sexual act or sexually explicit exhibition for which anything of value is given, promised to or received by any person.



NMSA 30-52-2. Human trafficking; benefits and services for human trafficking victims.

- A. Human trafficking victims found in the state shall be eligible for benefits and services from the state until the victim qualifies for benefits and services authorized by the federal Victims of Trafficking and Violence Protection Act of 2000; provided that the victim cooperates in the investigation or prosecution of the person charged with the crime of human trafficking. Benefits and services shall be provided to eligible human trafficking victims regardless of immigration status and may include:
- (1) case management;
 - (2) emergency temporary housing;
 - (3) health care;
 - (4) mental health counseling;
 - (5) drug addiction screening and treatment;
 - (6) language interpretation, translation services and English language instruction;
 - (7) job training, job placement assistance and post-employment services for job retention;
 - (8) services to assist the victim and the victim's family members; or
 - (9) other general assistance services and benefits as determined by the children, youth and families department.
- B. As used in this section, "human trafficking victim" means a person subjected to human trafficking by a person charged in New Mexico with the crime of human trafficking.

NMSA 30-52-3. Temporary provision; task force to combat human trafficking; membership; duties. (Terminated effective July 1, 2016.)

- A. The "task force to combat human trafficking" is created. The task force shall consist of the following members:
- (1) the attorney general or the attorney general's designee;
 - (2) the secretary of health or the secretary's designee;
 - (3) the secretary of children, youth and families or the secretary's designee;
 - (4) the secretary of public safety or the secretary's designee;
 - (5) the chief public defender or the chief public defender's designee;
 - (6) a representative from the New Mexico district attorneys association;
 - (7) representatives of local law enforcement and state police from critical geographic areas of New Mexico affected by immigrant issues and human trafficking problems; and
 - (8) representatives from organizations that provide services to victims of human trafficking, including immigrants and immigrant victims of sexual assault and domestic violence.

- B. The task force shall:
- (1) collaborate with the United States attorney for the district of New Mexico, the United States border patrol and the United States immigration and customs enforcement to carry out the duties of the task force;
 - (2) collect and organize data on the nature and extent of human trafficking in New Mexico;
 - (3) monitor and evaluate the implementation of this 2008 act, including the progress of federal, state and local law enforcement agencies in preventing human trafficking, protecting and providing assistance to victims of human trafficking and prosecuting human trafficking offenders;
 - (4) develop and conduct training for law enforcement personnel and victims services providers to identify victims of human trafficking;
 - (5) examine the training protocols developed by federal, state and local law enforcement agencies related to dealing with human trafficking victims and offenders;
 - (6) assist in coordinating federal, state and local government agencies in the implementation of this 2008 act;
 - (7) implement a media awareness campaign in communities affected by human trafficking;
 - (8) develop recommendations on how to strengthen state and local efforts to prevent human trafficking, protect and assist human trafficking victims and prosecute human trafficking offenders; and
 - (9) submit an annual report of its activities, findings and recommendations, including any proposed legislation, in December of each year to the governor and the legislature.
- C. The chair of the task force shall be the attorney general or the attorney general's designee, and the task force shall meet at the call of the chair.
- D. The public members of the task force are entitled to per diem and mileage as provided in the Per Diem and Mileage Act [10-8-1 NMSA 1978] and shall receive no other perquisite, compensation or allowance.
- E. The attorney general shall provide the staff for the task force.
- F. The task force to combat human trafficking is terminated on July 1, 2016.

Trafficking Victims Protection Act of 2000

The Federal Trafficking Victims Protection Act (TVPA) was enacted in October 2000. It made human trafficking a Federal crime with severe penalties.

Prevention

The TVPA authorizes human trafficking prevention measures such as educational and public awareness programs.

Protection

The TVPA provides victims of human trafficking who are non-U.S. citizens with benefits and services to the same extent as refugees once they have been certified by the U.S. Department of Health and Human Services. Victims under the age of 18 do not need to be certified.

The TVPA authorizes certain protections and services to victims of trafficking such as:

- protection while in custody, including medical care and protection from traffickers;
- a temporary visa called a “T” visa that allows them to stay in the United States; and
- assistance such as housing, health care, education and job training.

See page 21 for more information about the T visa and foreign national victims.

Prosecution

The Trafficking Victims Protection Act made human trafficking a federal crime with severe penalties. For example, if the trafficking crime results in death or if the crime includes kidnapping, an attempted kidnapping, aggravated sexual abuse, attempted aggravated sexual abuse, or an attempt to kill, the trafficker could be sentenced to life in prison. Traffickers who exploit children under the age of 14 using force, fraud, or coercion, for the purpose of sex trafficking can be imprisoned for life. If the victim was a child between the age of 14 and 18 and the sex trafficking did not involve force, fraud, or coercion, the trafficker could receive up to 20 years in prison.



Human Trafficking

Transportation

Myth: *Movement across national borders is required.*

Fact: Trafficking does not require movement across national borders. A person can be a trafficking victim within their own country or even their own home.

Foreign National Victims

Myth: *Trafficking victims are always foreign nationals.*

Fact: Though traffickers may transport victims to another country, as stated above, a person can be victimized within their own country. There are victims of trafficking who are United States citizens and lawful permanent residents.

Wage Payment

Myth: *If a person is receiving payment for their labor or services, they cannot be classified as a victim of trafficking.*

Fact: Case law from U.S. criminal cases has established that payment of a wage or salary is not a definitive indicator that the labor or service is voluntary. If a person is compelled to perform a service through force, fraud, or coercion, then that service is forced even if the person is paid or compensated in some way for the work.

Love for a Pimp

Myth: *A victim's love for her pimp means that she is willingly choosing prostitution.*

Fact: Traffickers and pimps are master manipulators who gain their victims' trust with lies and false promises and then turn to violence to control their victims. The psychological manipulation can brainwash a victim into "loving" her pimp and doing whatever he asks. This behavior may be reinforced by rewards when the victim obeys and physical abuse when she refuses.

MYTHS

Initial Consent

Myth: *If a person gives initial consent to being transported/smuggled or takes a job willingly, they cannot be classified as victims of trafficking.*

Fact: Even if a person initially consents to work for an employer or provide some kind of service voluntarily, once that work or service is no longer voluntary, they become victims of trafficking. If they are unable to leave or if an employer uses force, fraud, or coercion to retain the person's labor or services, their initial consent becomes irrelevant.

Prior Work History

Myth: *Trafficking victims have never worked in difficult labor conditions or the sex industry before.*

Fact: Previous employment choices do not exclude the possibility that a person may be a victim of trafficking. Some government officials may fail to identify victims of trafficking in the sex industry because they may have willingly worked in the sex industry previously. Migrant workers may also be hard to identify as labor trafficking victims because they may have worked in difficult conditions, legally or illegally.

Relatives

Myth: *Relatives cannot be traffickers.*

Fact: A trafficker is anyone who receives money or something of value for the sexual exploitation of another person, regardless of their relationship to that person. If a mother sells her daughter to the landlord in exchange for rent, then that mother is a trafficker.



Recruitment

Victims of trafficking are recruited by means of deception or physical or psychological coercion. Sometimes victims are targets of opportunity. Many recruiters are connected to the victims in some way, either as an acquaintance, a friend of the family, or even a family member. Some populations may be more vulnerable to exploitation than others, such as:

- Undocumented migrants
- Runaway and homeless youth
- Oppressed or marginalized groups
- Those living in poverty
- Victims of abuse or domestic violence
- Women and families in debt
- Displaced people (natural disasters, war)
- Individuals with temporary work visas

Pathways to Entry

Ways recruitment can happen:

Sex Trafficking	Labor Trafficking
Seduction and coercion	Job recruitment
Violence and force	Promises of love and marriage
“Boyfriending”	Solicitation by family, friends, acquaintances
False advertising for “modeling,” “acting,” or “dancing” opportunities	Debt bondage
Peer recruitment	Abduction/kidnapping
Internet enticement: chat rooms or profile-sharing sites	Blackmail/extortion
Family exploitation	Smuggling
Promises of love and marriage	False promises



Types of Trafficking

Sex Trafficking	Labor Trafficking
Domestic Pimp Control	Hospitality Services (Restaurants, Hotels)
Massage Parlors, Spas	Factory Work
Residential Brothels & Escort Delivery Services	Construction, Landscaping
Exotic Dancing, Stripping, Pornography	Domestic Servitude
Servile Marriages/International Marriage Brokers (IMBs)	Peddling/Begging
Hostess Clubs, Bars	Agriculture, Forestry, Fishing Industries
Online Exploitation, Craigslist, MySpace, MocoSpace	Small Businesses

Red Flags & Indicators

- Lack of freedom to leave living or working conditions
- Few or no personal possessions or financial records
- Lack of knowledge of a given community, frequent movement
- Individual owes a large debt and cannot pay it off
- Unpaid or paid very little wages
- Under 18 and providing commercial sex
- Not in control of own identification documents (Passports, birth certificates)
- Signs of physical abuse, restraint, branding, malnourishment, general lack of health care
- Inconsistencies in story, claims of “just visiting”

Transportation

Transportation is not necessary in order for a person to be classified as a victim of human trafficking. Many victims are trafficked within their own countries. Transportation of victims to other countries is prevalent, however, language barriers, threats of deportation, or criminal penalties for smuggling can keep a victim from turning to law enforcement in a foreign country.

Identifying Traffickers

Characteristics of traffickers:

- Traffickers can be men or women.
- Recruiters of individual victims are likely to know or have a connection to the victim and/or their family.
- In many instances, traffickers are the same nationality or ethnicity as the victim.
- Traffickers focus on controlling their victims physically and/or psychologically.

Traffickers can be:

- Recruiters/Agents of recruiter
- Sellers of trafficked person
- Buyers of trafficked person
- Transporters
- Conspirators
- “Customers”/clientele
- Pimps
- Brothel madams
- Brothel managers
- Financiers
- Parent or guardians who knowingly sell/traffic their children

Example Scenario of Human Trafficking Victim:

In Cambodia, Nhean was promised higher wages for factory work in Thailand. He and some other men paid a recruiter to smuggle them across the border, but once they were there, the recruiter took their passports and locked them in a room. They were sold to an owner of a fishing boat where they were forced to work very long hours with little food and water. Nhean was beaten if he tried to rest. He witnessed the crew beat and shoot other workers before they were thrown overboard.

Example Scenario of Human Trafficking Victim:



“I’m not sure if I was 5 or 6 when my mother started selling me to men. Usually, she sold me for a small amount of drugs. When I was 13 years old, I ran away and met a man 20 years my senior, who told me he would take care of me. However, it wasn’t long before he made me work on the street. I had to bring a quota of \$800 every night.”

-Beth, 17 years old

Methods of Control

Force:

- Physical assault (beating, hitting, assault with a weapon, burning, slapping, etc.)
- Sexual assault and rape
- Physical confinement
- Isolation (physical and psychological)

Fraud

- Fraudulent job offers
- False promises about work conditions and wages
- Withholding wages

Coercion:

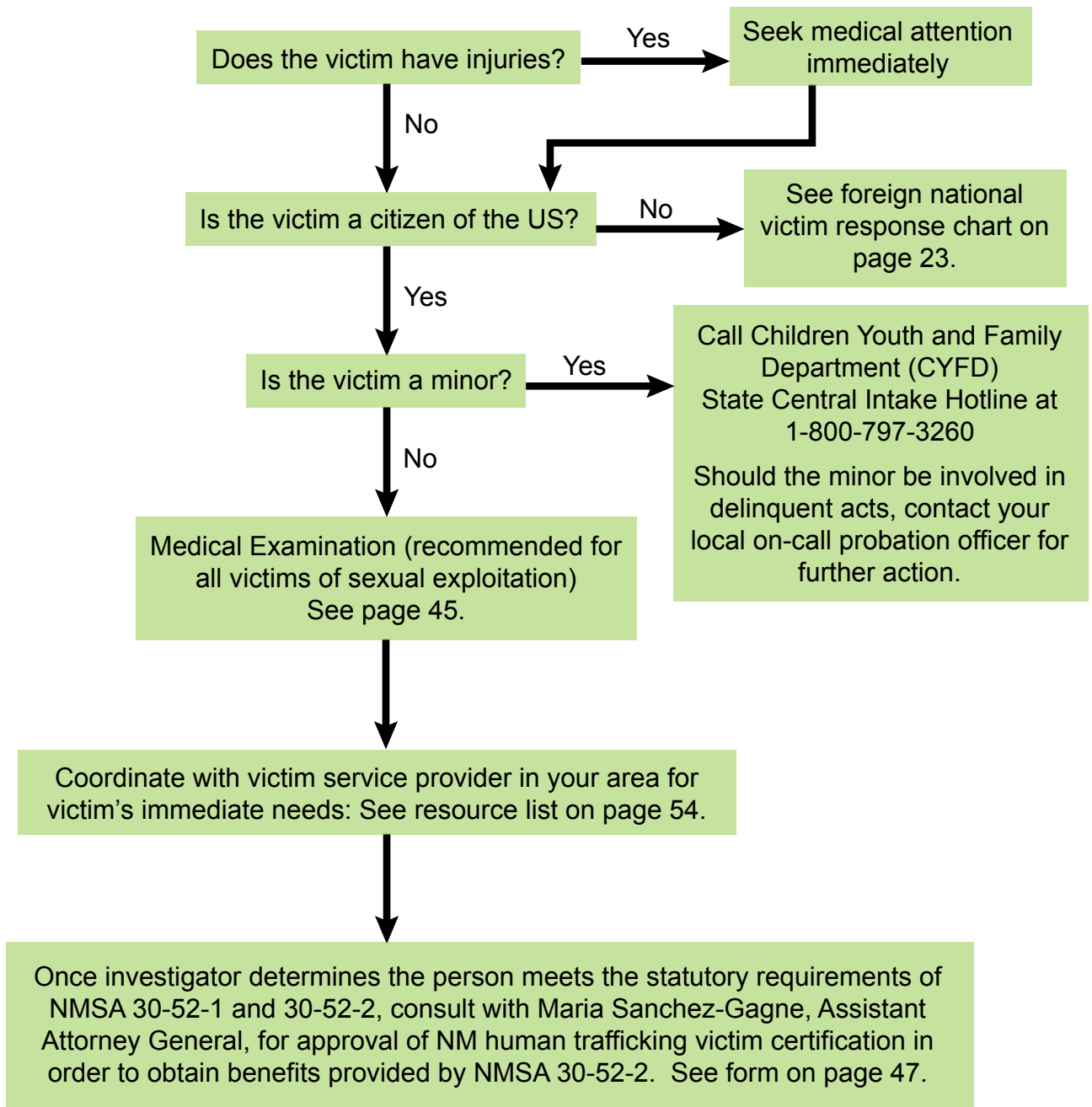
- Threats to life, safety, family, or others
- Threats involving immigration status or arrest
- Debt-bondage: escalating or never-ending debt
- Withholding legal documents
- Fearful environment

Example Scenario of Human Trafficking Victim:

Hala's family was promised that she would receive an education in the United States so at 12 years of age she went to America. She was not allowed to go to school. Hala was enslaved and forced to work in a nail salon. She and many other girls were forced to work 12 to 14 hour days. The traffickers controlled them by withholding food, isolation, physical abuse, and sometimes sexually abusing them.



U.S. Citizen Human Trafficking Victim Response Chart



If you have questions regarding a possible human trafficking case, please contact Maria Sanchez-Gagne, AAG of the Border Violence Division. See resource list on page 51.

U.S. Citizen Human Trafficking Victim Response Steps

Step 1:

If the victim has injuries, seek medical attention immediately.

Step 2:

In the case of a minor, call the Children Youth and Family Department (CYFD) State Central Intake hotline at 1-800-797-3260. Should the minor be involved in delinquent acts, contact your local on-call probation officer for further action.

Step 3:

A medical examination is recommended for all victims of sexual exploitation. Health risks associated with sex trafficking include sexually transmitted diseases, unsafe abortions, and pelvic inflammatory disease.

Step 4:

Coordinate with victim service providers in your area for the victim's immediate needs. See service provider resources on page 54.

Step 5:

Once the investigator has determined that the person meets the statute requirements of NMSA 30-52-1 and 30-52-2, consult with Maria Sanchez-Gagne, Assistant Attorney General of the Border Violence Division of the New Mexico Attorney General's Office, for approval of the New Mexico human trafficking victim certification in order to obtain benefits provided by NMSA 30-52-2. See form on page 47.



Commercial Sex Trafficking

Sex Trafficking: the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act in which a commercial sex act is induced by force, fraud, or coercion.

Domestic Minor Sex Trafficking: the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act in which a person induced to perform a commercial sex act **is under 18 years of age**. In the case of domestic minor sex trafficking, force, fraud, or coercion does not need to be proven. “Survival sex” refers to a situation in which a minor trades a sex act with an adult for basic needs such as shelter, food, etc. Survival sex qualifies as a situation of domestic minor sex trafficking.

Sex trafficking is considered the largest specific subcategory of modern-day slavery. Victims include both adults and children.

Types of commercial sex operations are:

- prostitution
- stripping
- live-sex shows
- sex tourism
- pornography

Domestic Pimp-Control Example:

Cientele: Open to all customers

Price: \$500-\$1000 nightly quotas

Locations: streets, hotels, truck stops, etc.

Victims: US citizen minors and adults

Other fronts: escort services

Advertising: online (Craigslist, Black Planet, MySpace, MocoSpace, word of mouth, business cards, etc.)

Identifying Sex Trafficking Victims

You may come across human trafficking indirectly during an investigation of another crime so be aware of these indicators...

Work/brothel site:

- ☐ Heavy security at the commercial establishment, such as barred windows, locked doors, isolated location, guards, or covert video security systems;
- ☐ Victims only leave the establishment with an escort;
- ☐ Victims live at the work/brothel site or are otherwise driven between living quarters and work site by a guard;
- ☐ Heavy foot and/or taxi traffic;
- ☐ Men continually frequent;
- ☐ Large amounts of cash and condoms at the location;
- ☐ “Trick book”: a customer logbook or receipt book;
- ☐ Rooms are sparse;
- ☐ Mattresses in the rooms (no massage tables at a massage business);
- ☐ Service menus are available; and
- ☐ Victims lack private space.



Victim behavior/physical signs:

- ☐ Victim is a juvenile who has engaged in commercial sex;
- ☐ Victims have few or no personal possessions, financial records, travel documents, or identifying documents (ID, passport, etc.);
- ☐ Victims have injuries or signs of physical/sexual abuse, torture, prolonged lack of healthcare, or malnourishment;
- ☐ Victims exhibit the health risks associated with sex trafficking. See page 45;
- ☐ Victims have brands, scars, or tattoos indicating someone else's ownership;
- ☐ Victims exhibit fear, anxiety, depression, submission, tension, and/or nervousness;
- ☐ Victims exhibit fear or paranoia of law enforcement;
- ☐ Victims avoid eye contact;
- ☐ Victims do not know what city they are in;
- ☐ Victims are not in control of their own money;
- ☐ Victims have many inconsistencies in their story;
- ☐ Victims lack the freedom to leave working or living conditions;
- ☐ Victims have their communication restricted or controlled, have a third party insist on translating for them;
- ☐ Victims have an attorney representing them that they do not seem to know or they don't seem to agree to representation; and
- ☐ Victims are kept under surveillance when they are taken somewhere.



Checking businesses and places of employment:

Victims of sex trafficking are often found in the streets or working in establishments that offer commercial sex acts, such as brothels, strip clubs, or pornography production houses. Such establishments may operate under the guise of:

- Massage parlors;
- Escort services;
- Adult bookstores;
- Modeling studios; and/or
- Bars/strip clubs.



Domestic Minor Sex Trafficking

Domestic Minor Sex Trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act in which a person induced to perform a commercial sex act is under 18 years of age. **In the case of domestic minor sex trafficking, force, fraud, or coercion does not need to be proven.**

A pimp, a type of trafficker, is anyone who receives money or something of value for the sexual exploitation of another person regardless of their gender or relationship to the other person.

Recruitment

The recruitment process varies in many situations. Pimps may kidnap and control victims with physical force, but in many instances, a pimp uses tactics of psychological coercion and manipulation to lure the victim in, build a relationship with him/her, and ensure their dependency.

- **Selection:** Pimps tend to target the vulnerable, such as a girl who is experiencing trouble at home or who has run away from home.
- **Courtship:** A pimp may slowly get to know his target, showering him/her with gifts and compliments, taking care of him/her with food and place to sleep, establishing himself as his target's "boyfriend", and creating a sense of protection and security.
- **Isolation:** As the pimp establishes himself as the victim's "savior", he isolates him/her from their friends and family - anyone who might object to the relationship or intervene.

A 13 year old girl crouches in a dark corner on the dusty floor, her hair dirty and tangled, her eyes hollow and lifeless. Raw sewage flowed through an uncovered ditch on the other side of the thin brothel wall. The scent of a hundred men clung to her small frame. Her expression revealed total desperation. This was not a look that said, "Please help me." This was a look that said, "I am doomed forever, beyond help, beyond hope."



- **Transition:** Eventually the pimp introduces the idea of prostitution to his victim. He may try to convince his victim by saying “It will only be this one time,” or “If you love me you’ll do it for me,” or he may immediately start using physical violence once he has gained his victim’s trust.

Control

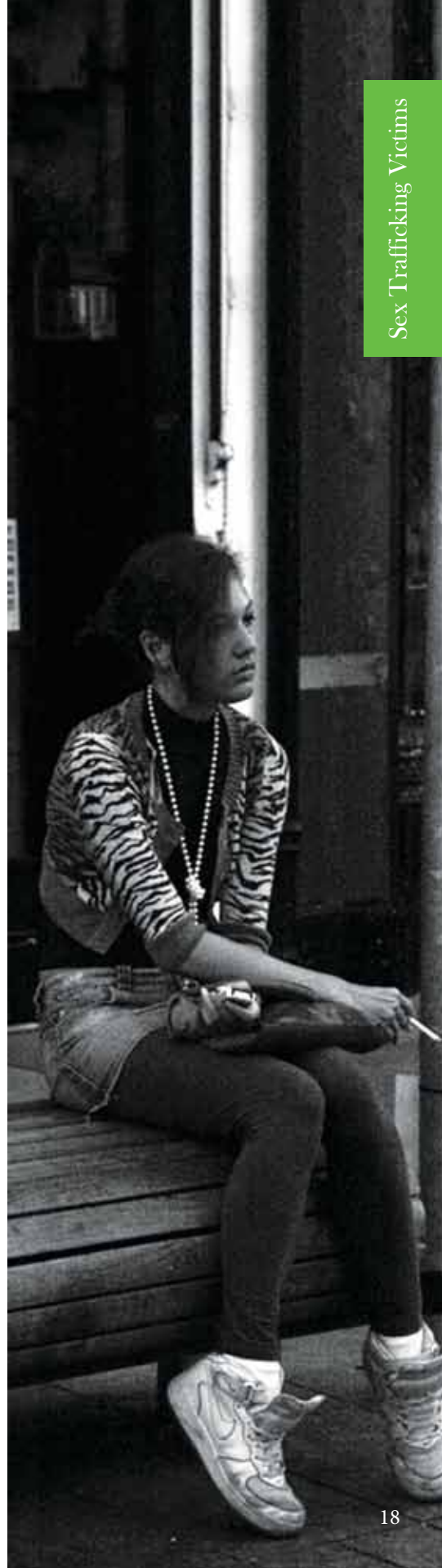
The pimp’s primary focus is control and manifests as both physical and psychological. Psychological control can be so powerful that girls may not run away when they have an opportunity and may even protect the pimp if they come in contact with law enforcement.

Pimps may combine love and affection with anger and violence to make a powerful combination of love and fear that makes the victim obedient. The pimp’s psychological control may become so strong that the victim will do whatever the pimp wants, even when they are not in the pimp’s presence. They may remove all opportunity for their victims to make choices for themselves. The pimps make every decision for them including when to sleep, when they can use the bathroom, when they can talk, and what they wear.

Manifestations of psychological control:

- “Street names” that the pimp selects as a way to shape the victims’ identities and sever them from their pasts
- “Branding” the victims with tattoos of the pimp’s name - making them feel as if they are the pimp’s property
- Elevating one of the girls to managerial type status above the others - sometimes called a “bottom bitch” or “bottom female” - creating a hierarchy within the group under the pimp’s control. This may cause the victims to compete with each other for this position. The “bottom” may recruit for the pimp, teach the other victims what to do, have some control over the other victims, and may be violent.

To learn more about the dynamics of a pimp and his victims as well as pimp slang, read [Pimpology: The 48 Laws of the Game](#) by Pimpin’ Ken and Karen Hunter.



Labor Trafficking

Labor trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.

Most instances of forced labor occur when unscrupulous employers take advantage and exploit vulnerable workers. Such workers are often vulnerable to forced labor practices because of unemployment, poverty, discrimination, corruption, political conflict, and cultural acceptance of the practice. Immigrants are especially vulnerable, but individuals are also exploited within their own countries. Persons who are trafficked for the purpose of labor exploitation are forced to work for little or no pay under exploitive conditions. They may be forced into labor by fraud, debt bondage, physical force, or other exploitive means. Female victims may also be sexually abused.

“Debt bondage” may occur when traffickers exploit an initial debt that the worker assumes as part of the agreement of employment or transportation into the country. The traffickers add to the debt with food or shelter costs so the debt continues to grow even as the victims try to work it off.

Victims of labor exploitation may work excessively long hours, work in unsuitable conditions, be forced to live on the work premises, be unable to move about freely, be physically abused, be under the age stipulated by child labor laws, and/or not have access to healthcare. Abuses of contracts and hazardous work conditions do not in themselves constitute involuntary servitude, but the use or threat of physical force or restraint to keep a person working may convert a situation into one of forced labor.

People forced into indentured servitude can be found in:

- Sweatshops (such as factories where abusive labor standards are present);
- Commercial agricultural situations (fields, processing plants, canneries);
- Construction sites (particularly if public access is denied); and
- Restaurant and custodial work.



Identifying Labor Trafficking

Labor Trafficking Indicators

- ☐ Workers exhibit signs of malnutrition and/or physical abuse
- ☐ Workers live on or near the work premises
- ☐ Barbed wire surrounding the facility
- ☐ Bars on the windows
- ☐ Self-contained camps
- ☐ Bouncers, guards, and/or guard dogs
- ☐ Security cameras
- ☐ Shopping allowed only at a “company store”
- ☐ Large numbers of workers living in the same space, particularly in a space not normally suited as a living space
- ☐ Workers have no access to telephones
- ☐ Workers are not free to leave the premises
- ☐ Worksite looks like a guarded compound from the outside.

Exploitation of Migrant Labor Example:

Potential Victims: Men, women, and children; Foreign Nationals; US Citizens; Migrant Laborers

Payment: Often victims owe large sums for smuggling; payment less than minimum wage

Locations: Remote areas; often isolated; company housing; fences/wire

Structure: Dependence on crew leaders/growers for transportation; housing; supplies; 16-18 hour days; inadequate housing

Vulnerabilities: No overtime pay; no workman's compensation; small farms no minimum wage

Violence: Work at gunpoint; physical violence and beatings; untreated work-related injuries; sexual assault against female workers



Foreign National Victims

You may come across victims of trafficking that are foreign nationals who may be in the United States illegally. Victims are invaluable for your case against those who were responsible for trafficking them so it is important that you take steps to keep foreign national victims from being deported.

To qualify for publicly funded and refugee-type services such as housing, food stamps, and health care, a victim must be certified by the US Department of Health and Human Services (HHS). A victim can be certified by either being granted **continued presence status** and is willing to assist law enforcement or by filing for a **T visa**.

Continued Presence

“Continued presence” is a form of temporary immigration relief that enables a victim lacking legal status to remain in the U.S. to assist with prosecution. It also enables the victim opportunities for legal employment and refugee-type benefits. Continued presence is usually granted for one year, but it may be renewed as long as there is an ongoing federal investigation or prosecution. Victims may apply for additional immigration relief, either the T or U visa, during the course of the investigation.

T Visa

The T visa is available to victims who self-petition to stay in the U.S. for up to four years if they can show they:

1. Have been a victim of a severe form of trafficking;
2. Have complied with reasonable requests to assist in the investigation or prosecution of their case (or are under 18 years of age);
3. Are physically present in the U.S. on account of trafficking; and
4. Would suffer severe hardship if repatriated.

Victims whose T visa applications meet the specific qualifications can receive benefits through the HHS certification process even before their visa petition has been finalized. Processing for the T visa takes time and there is no guarantee that the application will be approved.



Law enforcement officers can help victims with their application for a T visa by completing the I-914B form as part of the victim's application to the Department of Homeland Security (See page 48). The form asks you to indicate whether the individual is a victim of a severe form of trafficking and whether the victim complied with a reasonable request to assist in the investigation or prosecution. The form is reviewed by federal authorities, along with the victim's application, in determining whether to issue or deny the visa.

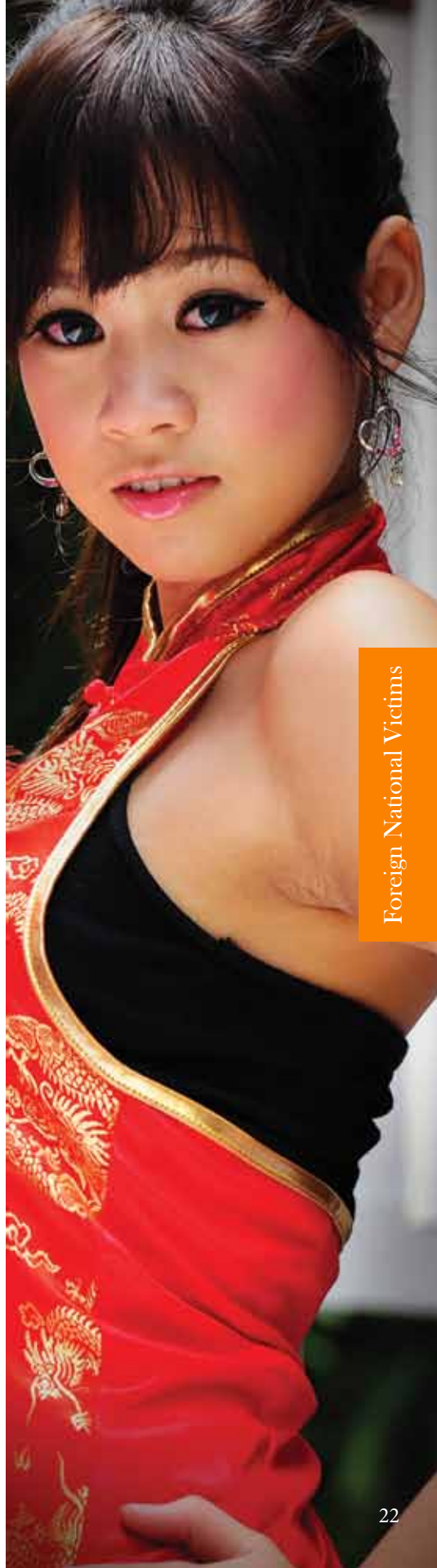
The U Visa

The U visa is not specific to trafficking victims, but is available for victims of a number of crimes, including trafficking. It is valid for up to four years. The U visa is available to immigrants who:

1. Are victims of a violation of federal, state, or local criminal laws against rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; obstruction of justice; abduction; unlawful criminal restraint; false imprisonment; blackmail; murder; extortion; manslaughter; felonious assault; witness tampering; perjury; or attempt, conspiracy, or solicitation to commit any of the above crimes;
2. Have suffered severe physical or mental abuse as a result; and
3. Have been helpful, are being helpful, or are likely to be helpful in the investigation or prosecution of the criminal activity.

With a U visa, a victim can obtain a work permit, but they are not eligible for publicly-funded programs for which T visa recipients are eligible. To assist the victim in filing for this specific visa, submit a letter on behalf of the victim that describes the criteria above along with a copy of the police report.

Both T and U visa recipients may gain lawful permanent resident status and citizenship if they qualify.



Foreign National Human Trafficking Victim Response Chart

Contact federal law enforcement authority for investigative assistance. Contact Immigration Customs Enforcement (ICE) victim witness coordinator to avoid victim removal or deportation. See resource list on page 51.

Does the victim have injuries?

Yes

Seek medical attention immediately

No

Is the victim a minor?

Yes

Call Children Youth and Family Department (CYFD)
State Central Intake Hotline
1-800-797-3260

Should the minor be involved in delinquent acts, contact your local on-call probation officer for further action.

No

Medical Examination (recommended for all victims of sexual exploitation): see page 45.

Coordinate with victim service providers in your area for victim's immediate needs. See resource list on page 54.

Once investigator determines the person meets the statutory requirements of NMSA 30-52-1 and 30-52-2, consult with Maria Sanchez-Gagne, Assistant Attorney General, for approval of NM human trafficking victim certification in order to obtain benefits provided by NMSA 30-52-2. See form on page 47.

Coordinate with ICE victim witness coordinator or victim service organization accredited to assist with continued presence or T visa process required for federal benefits and services. See resource list on page 51.

If you have questions regarding a possible human trafficking case, please contact Maria Sanchez-Gagne, AAG of the Border Violence Division. See resource list on page 51.

Foreign National Human Trafficking Victim Response Steps

Step 1:

Contact federal law enforcement authority for investigative assistance. Contact Immigration Customs Enforcement (ICE) victim witness coordinator to avoid victim removal or deportation. See law enforcement resources on page 51.

Step 2:

In the case of a minor, call the Children Youth and Family Department (CYFD) State Central Intake Hotline at 1-800-797-3260. Should the minor be involved in delinquent acts, contact your local on-call probation officer for further action.

Step 3:

A medical examination is recommended for all victims of sexual exploitation. Health risks associated with sex trafficking include sexually transmitted diseases, unsafe abortions, and pelvic inflammatory disease.

Step 4:

Coordinate with victim service providers in your area for the victim's immediate needs. See service provider resources on page 54.

Step 5:

Once the investigator has determined that the person meets the statute requirements of NMSA 30-52-1 and 30-52-2, consult with Maria Sanchez-Gagne, Border Violence Division of the New Mexico Attorney General's Office, for approval of New Mexico human trafficking victim certification in order to obtain benefits provided by NMSA 30-52-2. See form on page 47.

Step 6:

Coordinate with ICE victim witness coordinator or victim service organization accredited to assist with continued presence or T visa process.



Human Trafficking vs. Smuggling

Human Trafficking	Smuggling
Must contain an element of force, fraud, or coercion except in the case of a minor involved in sex trafficking.	Smuggling is voluntary.
Victims are forcibly exploited for labor or services.	There is no actual or implied coercion.
Victims are enslaved, not allowed to move freely, isolated, and/or had documents confiscated by trafficker.	Persons are allowed to leave, change jobs, and keep their identifying documents.
Trafficking does not have to involve transportation across country borders.	It always involves crossing a country's border.
Victims must be involved in coerced labor/sex acts.	Smuggling ends after the border crossing.

Human trafficking is very different from smuggling, although what began as smuggling may turn into a case of human trafficking. Smuggling becomes trafficking when **force, fraud, or coercion** are used to profit from the victim after they have been transported into the destination country.

Example Scenario of Human Trafficking Victim:

Juanita, a woman living in Mexico, was invited to come to the United States by friends of her family to work as a housekeeper. She was told she would be paid \$100 a week. They provided her with fraudulent documents so she could enter the United States illegally. Once she arrived in the United States, Juanita was isolated and threatened with Immigration. She was forced to work, but was never compensated.

The Investigation

A general indicator checklist:

If you think you have encountered a victim of trafficking, you can use this list to check for the general indicators of trafficking victims:

- ☐ Is the victim in possession of identification and travel documents? If not, who has control of the documents?
- ☐ Was the victim coached on what to say to law enforcement and immigration officials?
- ☐ Was the victim recruited for one purpose and forced to engage in some other job?
- ☐ Is the victim's salary being withheld to pay off a smuggling fee? (Paying off a smuggling fee alone is not considered trafficking)
- ☐ Was the victim forced to perform sexual acts?
- ☐ Does the victim have freedom of movement?
- ☐ Has the victim or family been threatened with harm if the victim attempts to escape?
- ☐ Has the victim been threatened with deportation or law enforcement action?
- ☐ Has the victim been harmed or deprived of food, water, sleep, medical care, or other life necessities?
- ☐ Can the victim freely contact friends or family?
- ☐ Is the victim a juvenile who has engaged in commercial sex?
- ☐ Is the victim allowed to socialize or attend religious services?
- ☐ Does he/she get medical treatment? (If so, a local doctor may be a good source of information to the extent they can provide information without violating doctor/patient privilege – for example, depending on the local law, identifying who paid the bills)
- ☐ Was the victim forced to sign a contract?
- ☐ Does the victim have existing debt issues?



Indicators of commercial sex trafficking on page 16

Indicators of labor trafficking on page 20

Victim Centered Investigation

The primary goals for the investigation are to protect the victims and successfully prosecute the perpetrators.

Build cases that are not totally dependent on victim testimony. Victims may be unavailable or too scared to testify against traffickers. Investigators and prosecutors should work together to build cases that are not dependent on victim testimony and also include other charges. Traffickers usually commit other criminal acts in their industry, such as money laundering.


Investigative Strategies

Arriving at the scene:

- Determine location and condition of victims, suspect, and any children;
- Determine if any weapon is involved;
- Confiscate and collect as evidence any weapons or firearms used in the incident. If the incident involves any threat to human life or physical assault, officers shall take temporary custody of any firearm or deadly weapons in plain sight or pursuant to a lawful search. If unable to seize the weapons (other than firearms) due to size or other extenuating circumstances, photograph the weapon;
- Provide appropriate level of aid to injured parties;
- Separate suspect, victim, and witnesses (Victim should be out of suspect's view);
- Collect all other potential evidence of human trafficking.

1. **Obtain a description of the victim and/or perpetrator including photograph(s) and videotapes.** The collection of information about the victim and/or suspect, including race, height, weight, hair and eye color, clothing, and other noteworthy features, should be done promptly and relayed to other officers who may be assisting in the investigation. Several recent photographs and/or videotape, if available, should be secured.
2. **Verify that the victim is the only victim involved.** First responders should never assume that the victim is the only victim involved. Another check of the house and grounds should be made that includes places where other victims could be trapped or hiding. Special attention should be paid to enclosures, hidden doors leading to hidden rooms, high fences, outbuildings, etc.
3. **Conduct a thorough search of the scene.** With the assistance of additional personnel, a systematic, thorough search of the incident





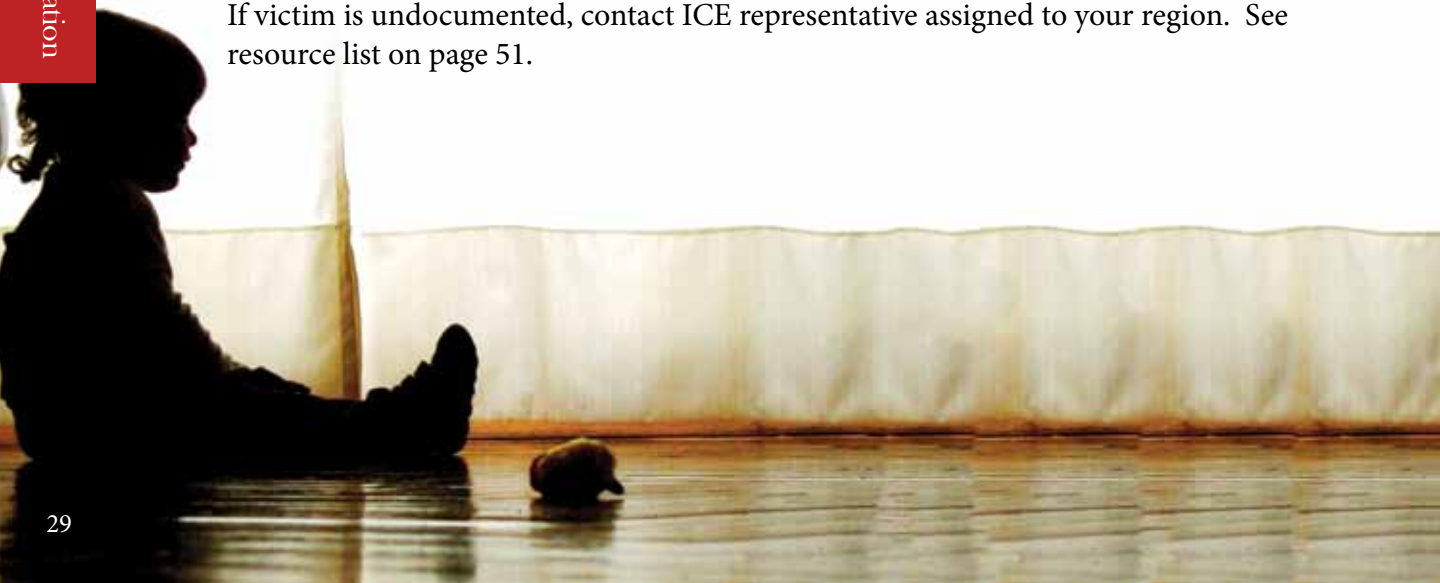
scene should be conducted. If appropriate, officers should obtain written permission to search houses, apartments, outbuildings, vehicles, and other property that might hold information about the human trafficking incident.

4. **Identify the circumstances of the crime.** First responders need to ascertain whether the circumstances surrounding the human trafficking incident are such that a heightened level of response is warranted.
5. **Document victim(s) and/or suspect(s) condition and demeanor:**
 1. Document torn clothing;
 2. Document smeared make-up;
 3. Investigate the evidence of injury;
 4. Examine the entire scene, take appropriate photographs;
 5. Document if the suspect has made any threats against the victim;
 6. Document spontaneous statements made by the victim and/or suspect.
6. **Determine when, where, and by whom the perpetrator was last seen.** This information is needed to determine factors such as escape time frame, windows of opportunity, and verification of previously received information. Comparison of information gathered from the reporting party, witness, and other sources may prove vital to case direction.
7. **Make an initial determination of the type of incident.** By employing all available assessment tools (i.e., completion of standardization forms, interviews, statements of witnesses, and search of scene) an officer should be able to reach a preliminary determination regarding the type of case and the need for additional resources. **Note: Officers must be cautious in “labeling” or classifying a human trafficking case, since the classification process shall affect the way in which initial information or evidence is gathered. Even if first indications suggest a “less urgent” incident, officers should consider all possibilities until the case category is clearly determined.**
8. **Obtain a description of the suspected trafficker and other pertinent information.** Officers need to immediately record witness information, not only for general investigative use, but also before witnesses forget or speak to others who may confuse or make suggestions about what was actually observed. If the scene involves a business or other public place, officers may be able to supplement victim information with video from security cameras that might provide crucial information about the suspect, vehicles, and circumstances.
9. **If not already done, provide detailed descriptive information to human trafficking point of contact (POC) within your agency.** As information becomes available regarding the victim's physical

appearance, circumstances of the case, or description of the potential perpetrator, the initial officer should ensure that other officers and agencies are provided with up-to-date facts.

10. **Identify and interview everyone at the scene.** The name; address; and home, cell, and work telephone numbers of everyone present at the scene, along with his or her relationship to the victim, should be recorded. If possible, take photographs and/or videotapes of all present at the incident scene and the scene itself. By interviewing each person privately, officers may be able to uncover information that will be instrumental in resolution of the case.
11. **Secure and safeguard the area as a potential crime scene.** First responders must take control of the immediate area where the incident occurred and establish an appropriate perimeter to avoid destruction of vital evidence.
12. **Secure cell phones and laptops from suspects and victims.** Obtain a search warrant to retrieve information such as text messages, voicemail, phone records, contacts, emails, and photos.
13. **Canvas neighborhood and interview neighbors for additional evidence.**
14. **Prepare necessary reports and complete appropriate forms.** Information gathered by the first responding officer(s) may be instrumental in the case resolution. To record this important information, officers should prepare a chronological account of their involvement and actions in the case from time of assignment to the point of dismissal. Reports should include everything, not just those events that seem to have a direct bearing on the case.
15. **Officers should inform victims that there is help available for trafficking victims.** Make contact with the appropriate victim assistance organization which has agreed to respond and assist with the identified trafficking victims. Refer to the resource list on page 54.
16. **Provide for victim safety** (e.g. transporting to victim assistance location, Non-Governmental Organization (NGO), hospital, etc.). The actual whereabouts of the victim will be kept confidential by the NGO and law enforcement human trafficking POC.

If victim is undocumented, contact ICE representative assigned to your region. See resource list on page 51.



Human Trafficking Related Crimes

Look beneath the surface of human trafficking cases. Traffickers of persons are likely to be involved in other criminal activities or be guilty of crimes beyond human trafficking. These are some of the crimes you may discover. Consult the U.S. attorney about federal statutes that may carry longer sentences. Consider other statutes that may be applicable.

Other related statutes:

New Mexico Statutes

- 30-2-1. Murder*
- 30-3-3. Assault with intent to commit a violent felony*
- 30-3A-2. Harassment*
- 30-3-12. Assault against a household member*
- 30-3-13. Aggravated assault against a household member*
- 30-3-14. Assault against a household member with intent to commit a violent felony*
- 30-3-15. Battery against a household member*
- 30-3-16. Aggravated battery against a household member*
- 30-4-1. Kidnapping*
- 30-4-3. False imprisonment*
- 30-6-1. Abandonment or abuse of a child*
- 30-6A-3. Sexual exploitation of children*
- 30-6A-4. Sexual exploitation of children by prostitution*
- 30-9-2. Prostitution*
- 30-9-3. Patronizing prostitutes*
- 30-9-4. Promoting prostitution*
- 30-9-4.1. Accepting earnings of a prostitute*
- 30-9-11. Criminal sexual penetration*
- 30-9-12. Criminal sexual contact*
- 30-9-13. Criminal sexual contact of a minor*
- 30-16-9. Extortion*
- 30-31-20. Trafficking controlled substances; violation*
- 30-51-1. Money laundering*

Federal

18 U.S.C. §§ 1591, 2421, 2422, and § 2423 Sex Tourism Arms Trafficking

Types of Evidence

The following chart illustrates many types of evidence that a law enforcement officer should look for when documenting a crime scene involved in human trafficking.

Physical	Documentary	Other
Document demeanor of victim	Property ownership/lease agreement	Identification documents (real and forged)
Burns, scars	Vehicle violations/tickets	Mail order advertisements
Tattoos (description)	Vehicle registration	Travel tickets
Injuries	Directories, client list, ledger	Letters, journals written by victim
Condoms	Marriage/divorce records	Security system videos
Lubricants	Temporary Restraining Order (TRO applications)	Computer evidence (CD-ROMs, websites, email, etc.)
Sex industry devices	Bank records	Mobile messages, texts, pictures
Drugs (legal and illegal)	Utility bills/phone records	Border crossing records
Motel keys	Business licenses	Flash drives
Physical aspects of crime scene	Employment records	
	Legal	
	Business/financial	
	Contractual	
	Tax returns, receipts	
	Arrest/crime record	

Case Development

1. Identify all players.
2. Conduct pertinent background information checks:
 - a. Criminal histories
 - b. Prior calls for service
 - c. Business records and licenses
 - d. Financial Crimes Enforcement Network (FINCEN) information
3. Prepare a timeline/link analysis chart showing how long the victim lived where and with whom.
4. Interview other witnesses.
5. Identify and contact other victims, if possible.
6. Re-interview the victim to clarify additional details, for example:
 - a. What were the rules?
 - b. What did the suspect promise? (family, wages)
 - c. Was the victim not allowed to speak unless spoken to?
 - d. Did the suspect provide fake names?
 - e. Did the suspect require the victim to wear certain clothing?
7. Have the victim identify all of the locations of occurrence.
8. Contact former employees and other people close to the suspect(s).
9. Bring in specialized investigators, if appropriate.
10. Attempt to corroborate the victim's statements through:
 - a. Search warrants on bank accounts and other records to demonstrate how the victim was paid.
 - b. Obtain a search warrant to retrieve information such as text messages, voicemail, phone records, contacts, emails, and photos.
 - c. Talk to family members, friends, and neighbors.
 - d. Obtain border crossing records.
11. Complete background check on the suspect. Interview, interrogate, and give Miranda admonitions as appropriate.
12. Present the case to the prosecutor.
 - a. If applicable, assist in coordinating the pre-file interview with the victim(s).
 - b. Provide information and feedback to assist the prosecutor in the victim credibility evaluation.
 - c. Complete supplemental investigative requests.

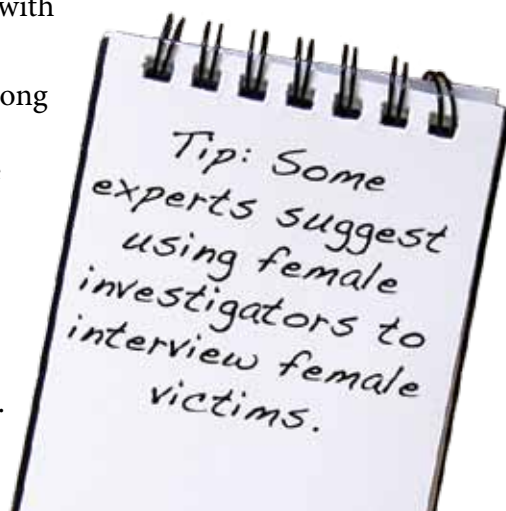


Interview Guidelines

Tips for Interviewing Potential Trafficking Victims

When interviewing possible victims of trafficking, remember:

- Prior to interview, make sure victims' needs are met (food, comfortable clothing, medical attention, shelter, etc.) and location of interview is conducted in a safe and comfortable atmosphere.
- It is strongly recommended that the interviewing agent wear casual clothing and have no firearm visible during the interview.
- They may be scared of law enforcement and/or immigration because they fear being prosecuted for prostitution or being in the country illegally or because law enforcement in their home country is corrupt or abusive.
- They may also be unwilling to accept assistance because of fear of repercussions from the traffickers, or because the emotional and psychological abuse has created a sense of obedience, loyalty, or even love for the trafficker. Do not stop investigating because victims may lie initially.
- Victims are likely to be severely traumatized after experiencing months or years of abuse, captivity, and fear.
- Focus on less sensitive questions before pressing for statements about their involvement in traumatic, humiliating, and/or illegal incidents.
- **Be patient.** It may take a long time for a trafficking victim to overcome their trauma enough to become forthcoming with their testimony.
- Treat sex trafficking victims as victims, not as criminals. Trafficking victims are more likely to be cooperative once they have realized that they will not be returned to the traffickers and that the law enforcement officers are truly interested in their well-being rather than arresting them.
- Refrain from asking the victim "Were you a slave?" Many human trafficking victims are understandably traumatized and they may lack a clear understanding of the slavery concept.
- Don't be afraid to bring in a trauma specialist or someone with a background in child sex abuse investigations to assist.
- Watch for an attempt by the victim to portray herself as strong and not capable of being deceived by her captors because she is embarrassed about her situation. The victim may be reluctant to admit she was tricked, forced, or enslaved. It is imperative to stress non-slavery elements first such as recruiting and travel. This approach often loosens the victims up and enables them to admit their victimization. At this point, the victim's sense of shame about her ordeal is tempered by her growing trust of the interviewing agent.



Guidelines for Choosing/Using an Interpreter

Do not have someone who knows the victim be their interpreter. Beware of using interpreters from the same community. Conduct a brief screening of the interpreter before beginning the interview to see if they may know the victim or traffickers or has any friends or relatives that may know the victim or traffickers. It is strongly recommended that you contact federal law enforcement for interpreter services. See resource list on page 51.

Suggested Questions for Human Trafficking Interview:

Consider using some of the following key questions provided in your interview to determine whether someone is a victim of human trafficking.

Additional questions specific for foreign trafficking victims may be found on page 41.

Background

- Name: Have the victim write his or her name.
Ask for the victim's real name, not the name the defendants may have given him/her.
- Where were you born?
- How old are you?
- Where did you grow up?
- Do you have a mother and father?
- How many siblings do you have?
- How many years of school have you completed?
- What was your profession?
 - » In former jobs, were you free to come and go as you wished?
 - » Did your former employer ever force you to work?
 - » Were you ever abused by a former employer?
 - » Were you ever threatened by a former employer?
 - » Do you have possession of your identification and immigration papers?



Recruitment

- How did you learn about the job under investigation?
 - » Where?
 - » From whom?
 - » What type of work did you think you would be doing?
 - » How did the person who recruited you convince you to take the job?
 - » Were any promises made to you about wages?
 - » Were any promises made to you about work hours/days off/vacations?

- » Were you shown any photographs (i.e., pictures of happy workers or parties)?
- » How many meetings did you have to discuss the job being offered?
- » Who was with you when you were talking about the job?
- » Where did the meeting take place?
- » Describe what was said and promised at each meeting.
- Were you told that you would owe them money after you started work?
 - » If so, how much?
 - » How would the money be paid back?
 - » Were you told that you would have to pay money up front?
 - » If so, where did you get that money?

Transportation

- Where are you from?
- How did you arrive in New Mexico?
- Conditions of travel (If not by common carrier)
 - » Truck? If so, where did you ride in the truck?
 - » Food and water?
 - » Rest stops?
 - » What was the treatment of men and women in the truck?
 - » Was there overcrowding in the truck?
- Did anyone meet you at the airport (if transportation was by plane)?
 - » Who paid for the airline ticket?
 - » Did the person who paid for the ticket use cash or a credit card?
 - » Who met you at the airport?
 - » Where did you go from the airport?
- In what type of vehicle did you travel in?
 - » Who drove?
 - » Where did you sit in the vehicle?

Arrival at Workplace

- How did you get to the place of work?
- Who met you at the workplace?
- Who told you the 'rules of the house?'
 - » What were the rules?
- Were you told anything about where you were not allowed to go?
- What were you told would happen if you left without permission?
- Were you told who the boss was?
 - » Who was the boss?
- Were you physically abused, beaten, or raped on arrival?





Fraud/Financial Coercion

- Were you forced to do different work than what was promised?
- Who forced you into doing different work than what was promised?
- Was there some sort of work contract signed?
- Were you getting paid to do your job?
- Did you actually receive payment or is your money being held for you?
- Did you owe your employer money?
- What, if anything, did you think would happen back home about the debt?
- Are there records or receipts of what is owed to your employer/recruiter?
- Are there records/receipts of what was earned/paid to you?
- How were financial transactions handled?
- Are you in possession of your own legal (I.D.) documents? If not, why?
- Were you provided false documents or identification?
- Are you being made to do things that you do not want to do?
- Were you told a story that you and others should tell if you were picked up by police?

Physical Abuse

- Did any of the owners ever say things to try and keep you or others from leaving?
 - » What was said?
 - » Who said them?
- Were people afraid to leave?
 - » Why?
 - » Did anyone say what would happen if people tried to leave?
- Were you ever threatened with harm if you tried to leave?
- Did you ever witness any threats or abuse against other people if they tried to leave?
- Has your family been threatened?
- Do you know about any other person's family ever being threatened?
- Were you ever physically abused, or did you ever witness abuse against another person?
- What type of physical abuse did you witness?
- Was anyone ever hit or threatened for doing bad work or for working too slowly?
- Did you ever hear about anyone being killed?
- Were there any objects or weapons used in the physical abuse?
- Where are these objects or weapons located?
- Was knowledge of this abuse ever communicated to a person outside of this situation (e.g., police reports, domestic violence reports, hospital records, social service records)?
- Did you receive a tattoo or brand from your pimp/boyfriend?

Psychological Coercion

- Who are you afraid of?
- Why are you afraid of them?
- What would you like to see happen to the people who hurt you (e.g., jail, deportation)?
- How do you feel about the police? Why?
- Did they ever say anything bad about the police?



Work

- What type of work did you do?
- What were your hours of work?
- Did you have any breaks? When did they occur?
- What were your days off?
- What was your pay?
 - » Average per month? Per week?
 - » Were you given any record of your pay?
- Did your boss take anything out of your pay?
 - » How much?
 - » What for?
 - » Were you given any records which reflected the deductions?
- Describe conditions of the workplace.
 - » Where was the workplace located?
 - » How many people worked there?
 - » Was the workplace crowded?
- Did you travel for work? Where? How often?
- Who supervised your work?
 - » How did the supervisor treat the workers?
 - » Did the supervisor say mean things to the workers?
 - » What specifically was said?
- Were people ever forced to work when they did not want to?
- What would happen if you told your boss that you did not want to work that day?

Example Scenario of Human Trafficking Victim:

Nala traveled to the United States when some relatives offered her an opportunity to receive an education and live with them. She took the offer and applied for a student visa, but once she got to the U.S. she was told that she would not be going to school. Her identification was taken away and she was locked in a basement and told if she tried to escape that she would be arrested for involvement in visa fraud. Nala was forced to work cleaning hotel rooms without pay.



Other Living Conditions

- **Sleeping arrangements**
 - » Where did you sleep?
 - » Did you live and work in the same place?
 - » Did you sleep on the bed or on the floor?
 - » What time did you go to bed? What time did you wake up?
 - » Were you allowed to sleep late if you wanted to?
 - » What would happen if you happened to sleep late on a workday?
 - » Did you have to pay for lodging?
 - » Where did the alleged perpetrators live/eat/sleep?
- **Clothing**
 - » How many changes of clothing did you have?
 - » Was any clothing taken away from you?
 - » Were you allowed to buy your own clothing?
 - » Did your boss add the cost of your clothing to any debt you owed?
- **Food**
 - » How many meals did you eat each day?
 - » What times did you eat?
 - » Could you eat at anytime you wanted?
 - » Was the food locked up?
 - » Did you have to pay for your food?
 - » Could you buy it from anyone other than the boss?
 - » Did they charge money for the food or did they deduct it from your pay?
 - » Did this make your debt grow?
 - » Were you ever hungry?
 - » Did you have permission to eat?
 - » Who did you have to ask for permission to eat?
 - » What would happen if someone ate without asking permission?
 - » Did you ever sneak any food? Did you ever smuggle any food?
 - » Did anyone ever give you food secretly?
- **Medical Treatment**
 - » Did you or anyone else ever get sick?
 - » Was anyone ever required to keep working even if they were sick?
 - » Did you ever see a doctor?





- » Who took you to see the doctor?
- » How long after you asked to see a doctor were you taken?
- » What is the name and location of the doctor?
- » Were you allowed to see the doctor alone?
- » Who paid for the doctor's visit?

Freedom of Movement

- Was your freedom of movement restricted?
- What were the conditions under which you were left unattended?
- Were there instances of physical restriction through locks, chains, etc.?
- Where are the locks used and who has the keys to them?
- How was movement in public places handled (e.g., car, van, bus, subway)?
- Who supervised your movement in public places?
- How was the purchase of private goods and services handled (e.g., medicines, prescriptions)?
- What forms of media or telecommunication did you have access to (e.g., television, radio, newspapers, magazines, telephone, the Internet)?
- Were you allowed to have relationships outside of your living and work places?

Physical Barriers

- Were there any bars or locks on the windows?
- Were the locks changed on any doors?
- Did doors lock from inside or outside?
- Did you have a key?
- Were doors kept opened or closed?
- Who locked you in?

Escapes

- Did you ever think about trying to leave?
- Why didn't you try to leave?
 - » What were you afraid of that kept you from leaving?
- Did you ever ask to stop working there?
 - » Why?
- Did anyone else ever try to leave but was unable to?
 - » What happened?
- Do you know where those individuals are now?
 - » What are their names?

- Did anyone every say anything about whether it was safe outside?
- Did you or others ever talk about wanting to leave?

Family Threats

- Did anyone ever threaten anyone's family members?
- Did anyone ever threaten to do anything to the family members' homes?

Guards

- Was there anyone responsible for watching the workers to make sure that they did not escape or leave?
 - » Who?
- Did these people ever accompany you or others to the store or when you would leave from where you lived/worked?
- Did these people ever carry any weapons?
 - » If so, what type?
 - » Did they ever threaten anyone with their weapons?
- Did they ever fire their guns?
- Did they ever fire their guns at anyone?



Rescue/Escape

If already out of situation:

- How did you get away?
- Whom did you contact?
- Did you ever try to get help before?
 - » If so, what happened?
- What made you leave when you did?
 - » Was there any particular event that happened that day or close to that time?
- Tell the story of how you got out of the situation. What happened that day?
- Have the people you escaped from tried to find you at all?
- Do you ever hear from or have any contact with anyone still there?

Interview Questions Specific to Foreign National Victims

Do not start the interview asking for documents. This might remind the victim of negative experiences with law enforcement officials from his/her home country and they may also be fearful that they have committed immigration violations.

- How did you get into this country?
- Did you come to this country for a specific job that you were promised?
- How did you get to the place of employment/U.S. (If foreign)?
 - » Who came with you?
 - » When did you come?
- Who brought you into this country?
- Who organized your travel?
- How was payment for your travel handled?
- How long have you been working in this country?
- Where did you come from before you began to work here?
- Where did you work when you were in your home country? (If the victim's job in his/her home country and work he/she was doing for the subject is related, then ask him/her to compare the former position with the job under investigation.)
- How long would it have taken for you to earn that much money back home?
- What was your understanding as to what a passport is?
- Did you have your own passport?
 - » How did you get one?
 - » Were you allowed to hold the passport during travel?
 - » If not, who held it?
 - » How did they take away your passport?
 - » When did they obtain your passport?
 - » Did you ever ask for your passport back?
 - » Who did you ask?
 - » If so, what were you told?
 - » How did not having your passport make you feel?
- Was your money taken away from you?
 - » Were any possessions taken from you?
 - » If so, did you know that was going to happen?
- Did anyone ever say anything about reporting people to immigration or to the police if they misbehaved or tried to leave?
- If Smuggling Fee Owed:
 - » Could people leave before they had paid their smuggling fee?
 - » What would happen to them if they tried to leave before smuggling fee paid?
 - Who told you this?
 - » What did your boss say about leaving before the smuggling fee was paid?
 - » Did your boss provide you with any updates on your balance owed?
 - » Did you keep your own log of your balance owed?



Why Victims Fail to Report to Law Enforcement

Victims of trafficking may not identify themselves as victims of trafficking or even as victims at all. This may prevent them from seeking help if they have the opportunity. Some victims may not be held captive, but do not seek help because of their mindset or because there is some other barrier to self-identification. Some may not seek help because they are being held captive.

All Victims

- **Captivity:** Victims are confined and unable to leave.
- **Threats:** Victims or the loved ones of the victims may be threatened with violence if they try to leave or do not comply with the traffickers' demands.
- **Debt Bondage/Fraud:** Victims may believe that they have no choice because of an escalating debt or fraudulent promises.
- **Feelings of fear, shame, self-blame, hopelessness, or resignation.**
- **Arrest:** Victims may think of themselves as criminals especially if they are involved in prostitution and/or are in the country illegally.

Foreign National Victims

- **Previous Situations:** Foreign national victims may be used to harsh conditions in their own countries and do not realize they are victims of a crime.
- **Laws:** They may not be familiar with American laws that classify their living and working conditions as criminal. Some countries do not have human trafficking laws.
- **Language/Unfamiliarity:** They may not seek help because they do not speak any English and/or feel too unfamiliar in a foreign country. Some victims may not even know what city they are in.
- **Threat of Law Enforcement:** Traffickers may confiscate foreign national victims' passports and/or other identifying documents and threaten victims with law enforcement for being in the country illegally.
- **Distrust of Law Enforcement:** Victims may distrust law enforcement in the U.S. because the law enforcement in their countries is not trustworthy or would not help in such a situation.
- **Culture/Religion:** In some cultures and religions, there are severe social stigmas and consequences for rape and/or sex before marriage.

“Most people don’t understand why we stay with a pimp. Many of us have been exploited by our peers, society and often by the people that we trust. When we’re the most vulnerable pimps attack, promising us stability, a family life, a future. They reel us in. He becomes our father, and our boyfriend, until we see what he really wants. Then he intimidates us and reminds us constantly about the consequences if we leave. Most tell us that they’ll find and kill us, no matter where we go. We’re afraid of being afraid. Resources are limited and many of us do not see a way out.”

~ Anonymous



Working with Victims

Working with victims of trafficking may not be easy. Understanding the challenges, victim dynamics, and responses you may encounter as a law enforcement officer will help prepare you for working with victims of trafficking.

Challenges

- Language barriers: Do not have someone who knows the victim be their interpreter. It is strongly recommended that you contact federal law enforcement for interpreter services. See resource list on page 51.
- Stockholm syndrome or sympathy toward the suspected traffickers
- False sense of loyalty or commitment because of brainwashing
- Distrust outsiders particularly law enforcement
- Fear of deportation
- May be unaware of their rights and do not consider themselves victims
- Life may be better now than it was previously
- Afraid and intimidated by traffickers
- Fear the unknown
- Not in possession of their legal documents
- Threats to families
 - » May fear what might happen to their families in their home country
 - » Have received threats of reprisals against loved ones
- Fear being ostracized back in their countries
- Financially indebted to the traffickers
- Isolated and may have been repeatedly moved to different locations

Victim Dynamics

- Victims often need to feel safe before they will speak with law enforcement
- Show understanding, patience, and respect for the victim's dignity and attempt to establish trust and rapport. A supported victim may result in a more effective witness.
- Express sympathy to the victim and an interest in the victim's well-being.
- Be familiar with the concept of a "victim-centered" approach. The victim is at the center and often time the cornerstone of the investigation.
- When applicable, explain confidentiality rights.

Responses to Law Enforcement

Victims of human trafficking may respond to law enforcement in varying ways. Some may be afraid, evasive, distrustful, or refuse to cooperate because they have been told to be afraid of American law enforcement or do not trust law enforcement in their own countries. Some may be grateful. Be prepared for many possibilities.

Working with Service Providers

Helping trafficking victims requires working with service providers in order to provide them with the protection and benefits required by law. Social service providers and victim service organizations are resources for law enforcement. They provide services to stabilize and support victims so they can participate in the investigation as effective witnesses. Many victims of trafficking are afraid of law enforcement, so service providers may be more successful at building trust with victims.

Assistance and benefits provided by health and social service providers:

- Housing
- Medical/dental services
- Counseling
- Legal counsel - keep victims informed of their legal rights including potential immigration relief
- Access to emergency funds and compensation programs
- Help with cases involving large numbers of victims or victims with special needs, such as children, elderly, or disabled individuals
- Custody and care of foreign victims under the age of 18 (Child Protective Services and the Office of Refugee Services)
- Prevention of revictimization

Be cautious of non-profit organizations/groups that are not certified victim service providers. They may be inadequately trained and do more harm than good or possibly facilitate revictimization. See recommended list of New Mexico service providers on page 54.

Example Scenario of Human Trafficking Victim:

Sarah ran away from an unstable home at 13 years old and ended up moving in with a 35 year old man who sexually and physically abused her and eventually convinced her to become a prostitute. She also became addicted to drugs and contracted several sexually transmitted diseases.



Health Risks for Victims

Victims of trafficking almost always suffer physically whether they are involved in sex or labor trafficking. Even if they are not physically abused by the traffickers, they are likely to be exposed to health risks by the nature of their forced work.

Health Risks Associated with Sex Trafficking	Health Risks Associated with Labor Trafficking
Sexually Transmitted Diseases	Exhaustion
Pelvic inflammatory disease	Malnutrition
Infertility	Dehydration
Poor reproductive health	Heat stroke, hypothermia, frostbite
Unwanted pregnancy	Back, neck, or joint problems
Unsafe abortion	Accidental injuries
	Respiratory problems, lung cancer, endotoxin or asbestos contamination
	Skin infections, diseases, cancer, occupational dermatosis
	Water and food related gastro-intestinal infection

Psychological Risks for Victims

Victims of trafficking are at risk for developing psychological problems as a result of abuse and captivity. In extreme cases, the post-traumatic stress symptoms are similar to those of torture victims.

- Post-traumatic stress disorder
- Depression
- Anxiety
- Hostility
- Flashbacks
- Drug or alcohol addiction, overdose
- Sleep disturbances, insomnia
- Suicidal tendencies

Certification Process for Continued Presence

For Foreign National Victims

US Department of Health and Human Services Continued Presence Certification Process

HHS Certification Process for Adult Victims of Trafficking Granted Continued Presence

1. Federal law enforcement (LE) submits Continued Presence (CP) application through the LE agency's established process.
 2. ICE/LEPB makes CP determination.
 3. ICE/LEPB sends the I-765 Request for Employment Authorization Document (EAD) to VSC.
 4. ICE/LEPB sends notice of CP to ORR/ATIP with contact information for FBI or ICE victim assistance coordinator.
 5. The notice states that the victim is "willing to assist in every reasonable way in the investigation and prosecution of a severe form of trafficking in persons." If the notice, does not state this, ATIP confirms with LEPB on victim's willingness to assist LE.
 6. Approximately six to eight weeks after ICE issues CP, VSC sends the EAD to the LE officer who applied for the CP.
 7. ATIP contacts the FBI or ICE victim assistance coordinator to obtain contact information for the victim's social service provider.
 8. ATIP coordinates with the social service provider on issuing the victim's Certification Letter. In many cases, the provider will wait to request a Certification Letter until a client has received his/her EAD because he/she may need the EAD as a form of identification when applying for benefits.
 9. ATIP mails the letter directly to the social service provider to ensure that the victim maximizes the eligibility period for time-sensitive benefits for which he or she is eligible.
- ❖ Certification Letters contain a certification date; eligibility for benefits and services begins on the date of certification. Certification Letters do not expire, but many benefits and services are time sensitive. If a client receives a T visa or CP extension, HHS does not reissue the Certification Letter.
 - ❖ Please contact the ACF Trafficking Victim Verification Line: 866-401-5510 or ACF Trafficking Inbox: trafficking@acf.hhs.gov to request a Certification Letter for a client who has been granted CP or a T visa.

CP Determination

Department of Homeland Security (DHS)
Immigration and Customs Enforcement (ICE)
Law Enforcement Parole Branch (LEPB)

EAD/T visa

Department of Homeland Security (DHS)
United States Citizenship and Immigration Services (USCIS)
Vermont Service Center (VSC)

Trafficking Certification Letter

Department of Health and Human Services (HHS)
Office of Refugee Resettlement (ORR)
Anti-Trafficking in Persons Division (ATIP)

NM Law Enforcement Declaration for Victim of Human Trafficking

NM Attorney General's Office Border Violence Division

New Mexico Attorney General's Office		NM Law Enforcement Declaration for Victim of Human Trafficking	
START HERE - Type or print in black ink. This form should be completed by law enforcement authorities for victims of Human Trafficking. 36-02-5 NMRA 1979 (2006).			
PART A. Victim Information			
Family Name (Last Name)	Given Name (First Name)	Middle Name (if any)	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Other Names Used (include maiden name(s) if female)			
<input type="text"/>			
Date of Birth (month/year)	Gender		
<input type="text"/>	<input type="checkbox"/> Male <input type="checkbox"/> Female		
Social Security Number (if known)			
<input type="text"/>			
PART B. Agency Information			
Name of Certifying Agency			
<input type="text"/>			
Name of Certifying Official		Title & Division/Office of Certifying Official	
<input type="text"/>		<input type="text"/>	
Agency Address - Street Number and Name		Suite #	
<input type="text"/>		<input type="text"/>	
City	State/Province	Zip/Postal Code	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Daytime Phone # (area code and/or extension)		Fax # (with area code)	
<input type="text"/>		<input type="text"/>	
Agency Type			
<input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local			
Case Status			
<input type="checkbox"/> On-going <input type="checkbox"/> Completed <input type="checkbox"/> Local			
Certifying Agency Category			
<input type="checkbox"/> Judge <input type="checkbox"/> Law Enforcement <input type="checkbox"/> Prosecutor <input type="checkbox"/> Other			
Case Number		FBI # or NID # (if applicable)	
<input type="text"/>		<input type="text"/>	

Page 1 of 4

PART C. Statement of Claim
<p>1. The applicant is or has been a victim of Human Trafficking according to NMRA 36-02-5(2)(D). Specifically, describe in a victim of:</p> <p><input type="checkbox"/> Sex trafficking of an adult - in which a commercial sex act was induced by force, threat, or coercion. Sex trafficking is the recruitment, harboring, transporting, provision, or obtaining of a person for the purpose of a commercial sex act.</p> <p><input type="checkbox"/> Sex trafficking of a minor - the victim is under the age of 18.</p> <p><input type="checkbox"/> Labor trafficking - the recruitment, harboring, transporting, provision, or obtaining of a person for labor or services through the use of force, threat or coercion for submission to involuntary servitude, peonage, debt bondage or slavery.</p> <p><input type="checkbox"/> Other, specify on attached additional sheets.</p> <p>2. Please describe the victimization upon which the applicant's claim is based and identify the relationship between that victimization and the crime under investigation/prosecution. Attach the results of any name or database inquiry performed in the investigation of the case, as well as any relevant reports and findings. Include relevant dates, etc. Attach additional sheets, if necessary.</p> <p>3. Has the applicant expressed any fear of retaliation or revenge? If yes, explain. Attach additional sheets, if necessary.</p> <p>4. Provide the date(s) on which the acts of trafficking occurred.</p> <p>Date (month/year) Date (month/year) Date (month/year) Date (month/year)</p> <p>5. List the primary evidence for the acts of trafficking being investigated or prosecuted, as they have been investigated or prosecuted.</p>

Page 2 of 4

PART C. Statement of Claim (if continued)															
<p>6. Provide the date on which the investigation or prosecution was initiated.</p> <p>Date (month/year) <input type="text"/></p> <p>7. Provide the date on which the investigation or prosecution was completed, if any.</p> <p>Date (month/year) <input type="text"/></p> <p>PART D. Cooperation of Victim (attach additional sheets, if necessary)</p> <p>The applicant:</p> <p><input type="checkbox"/> Has complied with requests for assistance in the investigation/prosecution of the crime of trafficking. (if applies below.)</p> <p><input type="checkbox"/> Has failed to comply with requests to assist in the investigation/prosecution of the crime of trafficking. (if applies below.)</p> <p><input type="checkbox"/> Has not been requested to assist in the investigation/prosecution of any crime of trafficking.</p> <p><input type="checkbox"/> The act yet involved the age of 18.</p> <p><input type="checkbox"/> Other, specify on attached additional sheets.</p> <p>PART E. Family Members Implicated in Trafficking</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Are any of the applicant's family members believed to have been involved in this or her trafficking? If "Yes," list the relationship and describe the involvement. Attach additional sheets if necessary.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Full Name</th> <th>Relationship</th> <th>Involvement</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	Full Name	Relationship	Involvement												
Full Name	Relationship	Involvement													

Page 3 of 4

PART F. Affidavit
<p>I swear upon investigation of the facts, I am fully and justly of opinion, that the above named individual is or has been a victim of human trafficking as defined by Human Trafficking, 36-02-5 NMRA 1979 (2006). I certify that the above information is true to the best of my knowledge.</p> <p>Signature of Law Enforcement Officer (indicated in Part B) Date (month/year) <input type="text"/></p> <p>Printed Name of Law Enforcement Officer <input type="text"/></p> <p>Signature of Supervisor of Certifying Officer Date (month/year) <input type="text"/></p> <p>Printed Name of Supervisor <input type="text"/></p> <p>Approved By: Date (month/year) <input type="text"/></p> <p>Maria Sanchez-Caplan, Assistant Attorney General</p>

Page 4 of 4

Download this form from the Human Trafficking section of the NMAG's website at
www.nmag.gov

DHS Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons for T Visa Application

Department of Homeland Security
U.S. Citizenship and Immigration Services

OMB No. 1618-0022 Expires 03/31/18

Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons

START HERE: • Type or print in black ink. This form should be completed by Federal, State, or local law enforcement authorities for victims under the Victims of Trafficking and Violence Protection Act (Public Law 110-78), as amended.

Part A: Victim Information

Family Name (Last Name) Given Name (First Name) Middle Name (if any)

Other Names Used (Include maiden names, aliases)

Date of Birth (mm/dd/yyyy) Gender ☐ Male ☐ Female

A # (if any) Social Security # (if any)

Part B: Agency Information

Name of Certifying Agency

Name of Certifying Official Title and Position/Other of Certifying Official

Agency Address - Street Number and Name Suite #

City State/Province Zip/Postal Code

Daytime Phone # (area code and/or extension) Fax # (with area code)

Agency Type ☐ Federal ☐ State ☐ Local

Case Status ☐ Ongoing ☐ Completed ☐ Local

Certifying Agency Category ☐ Judge ☐ Law Enforcement ☐ Prosecutor ☐ Other

Case Number FBI # or SIB # (if applicable)

Part C: Statement of Claim

1. The applicant is or has been a victim of a severe form of trafficking in persons. Specifically, he or she is a victim of (check all that apply). Base your analysis on the practices to which the victim was subjected rather than on the specific violations charged. The courts on which convictions were obtained, or whether any prosecution resulted in convictions. Note that the definitions that control this analysis are not the elements of criminal offenses, but are those set forth at WCFR 214.11(a)(1).

☐ Sex trafficking in which commercial sex act is induced by force, fraud, or coercion. Sex trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

☐ Sex trafficking and the victim is under the age of 18.

2. The applicant is or has been a victim of a severe form of trafficking in persons. Specifically, he or she is a victim of (check all that apply). Base your analysis on the practices to which the victim was subjected rather than on the specific violations charged. The courts on which convictions were obtained, or whether any prosecution resulted in convictions. Note that the definitions that control this analysis are not the elements of criminal offenses, but are those set forth at WCFR 214.11(a)(1).

☐ Sex trafficking in which commercial sex act is induced by force, fraud, or coercion. Sex trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

☐ Sex trafficking and the victim is under the age of 18.

Form I-914, Supplement B (Rev. 03/2016) 5

Part C: Statement of Claim (Continued)

☐ The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for subjecting to involuntary servitude, peonage, debt bondage, or slavery.

☐ Not applicable.

☐ Other, specify on attached additional sheets.

3. Please describe the victimization upon which the applicant's claim is based and identify the relationship between that victimization and the crime under investigation/prosecution. Attach the results of any name or database inquiry performed in the investigation of the case, as well as any relevant reports and findings. Include relevant dates, etc. Attach additional sheets, if necessary.

4. Has the applicant expressed any fear of retaliation or re-aversion if removed from the United States? If yes, explain. Attach additional sheets, if necessary.

5. Provide the dates on which the acts of trafficking occurred.

Date (mm/dd/yyyy) Date (mm/dd/yyyy) Date (mm/dd/yyyy) Date (mm/dd/yyyy)

6. List the statutory citations for the acts of trafficking being investigated or prosecuted, or that were investigated/prosecuted.

7. Provide the date on which the investigation or prosecution was initiated.

Date (mm/dd/yyyy)

8. Provide the date on which the investigation or prosecution was completed (if any).

Date (mm/dd/yyyy)

Form I-914, Supplement B (Rev. 03/2016) 5 Page 1

Part D: Cooperation of Victim (Attach additional sheets, if necessary)

The applicant

☐ Has complied with requests for assistance in the investigation/prosecution of the crime of trafficking. (Explain below.)

☐ Has failed to comply with requests to assist in the investigation/prosecution of the crime of trafficking. (Explain below.)

☐ Has not been requested to assist in the investigation/prosecution of any crime of trafficking.

☐ Has not yet attained the age of 18.

☐ Other, specify on attached additional sheets.

Part E: Family Members Implicated in Trafficking

☐ Yes ☐ No. Are any of the applicant's family members believed to have been involved in or have been trafficking to the United States? If "Yes," list the individual(s) and describe the involvement. Attach additional sheets, if necessary.

Full Name	Relationship	Involvement

Part F: Attestation

Based upon investigation of the facts, I certify, under penalty of perjury, that the above noted individual is or has been a victim of a severe form of trafficking in persons as defined by the TVTFA. I certify that the above information is true and correct to the best of my knowledge, and that I have made, and will make, no promises regarding the above victim's ability to obtain a visa from U.S. Citizenship and Immigration Services. Based upon this certification, if further verified that the victim reasonably relies on to assist in the investigation or prosecution of the acts of trafficking of which he/she is a victim, I will notify USCIS.

Signature of Law Enforcement Officer (Identified in Part B) Date (mm/dd/yyyy)

Signature of Supervisor of Certifying Official Date (mm/dd/yyyy)

Printed Name of Supervisor

Form I-914, Supplement B (Rev. 03/2016) 5 Page 1

Download this form from the "Forms" section of the U.S. Citizenship and Immigration Services website at www.uscis.gov



Human Trafficking

Anti-Human Trafficking Task Force Strategy and Operations e-Guide

www.ovcttac.gov/taskforceguide - Created by the Office for Victims of Crime (OVC) and the Bureau of Justice Assistance (BJA)

Coercion

Method of control used by traffickers involving threats to victim or victim's family, threats involving immigration status or arrest, debt bondage, withholding legal documents, and/or a fearful climate.

Debt Bondage

Debt bondage is a method used by traffickers to coerce servitude from victims of trafficking by means of an escalating or never-ending debt incurred from smuggling fees, unreasonable living fees for workers, etc.

Domestic Minor Sex Trafficking

Domestic minor sex trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act in which a person induced to perform a commercial sex act is under 18 years of age.

Force

Method of control used by traffickers involving physical assault, sexual assault, rape, physical confinement, and/or isolation.

Form I-914

Form I-914 is the application for T Nonimmigrant Status (T visa) to provide temporary immigration benefits to aliens who are victims of severe forms of trafficking in persons, and to their immediate family members, as appropriate.

Fraud

Method of control used by traffickers involving fraudulent job offers, false promises about work conditions and wages, and/or withholding wages.

Human Trafficking

Human trafficking is the recruitment, transportation, transfer, harboring, or receipt of persons by means of force, fraud, or coercion for the purpose of exploitation.

Glossary

Indentured Servitude

Indentured servitude is another term for labor trafficking or forced labor.

Labor Trafficking

The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.

New Mexico Law Enforcement Declaration for Victim of Human Trafficking

The New Mexico victim certification form that law enforcement officers must fill out for victims of trafficking to obtain state benefits provided by NMSA 30-52-2.

Pimp

A pimp is anyone who receives money or something of value for the sexual exploitation of another person. To learn more about pimp dynamics, read [Pimpology: The 48 Laws of the Game](#) by Pimpin' Ken and Karen Hunter.

Sex Trafficking

Commercial sex trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act in which a commercial sex act is induced by force, fraud, or coercion.

Survival Sex

Survival sex refers to a situation in which a minor trades a sex act with an adult for basic needs such as shelter, food, etc. Survival sex qualifies as a situation of domestic minor sex trafficking.

Trafficker

A trafficker is anyone who receives money or something of value for the exploitation of another person.

Trafficking Victims Protection Act of 2000

The federal Trafficking Victims Protection Act made trafficking a Federal crime and provides victims of human trafficking who are non-US citizens with benefits and services to the same extent as refugees.

Trick Book

A trick book is a customer logbook or receipt book for an establishment that offers commercial sex acts.

U.S. Department of Health and Human Services Trafficking Information and Referral Hotline

1.888.3737.888 National Human Trafficking Resource Center. Please report all incidents of Human Trafficking.

Resources

State Agencies

New Mexico Attorney General's Office

Border Violence Division
Maria Sanchez-Gagne
Director/Assistant Attorney General
msanchez@nmag.gov
505-827-6716

Border Violence Division
Bobbie Terrazas
Special Agent
bterrazas@nmag.gov
505-903-0597

NM Human Services Department

Income Support Division
Nicole Taylor, M.ED.
Acting Bureau Chief
Work and Family Support Bureau
505-827-7287

Income Support Division
Karmela D. Martinez
Cash Assistance Program Manager
505-827-7274

Income Support Division
Howard Spiegelman
State Refugee Coordinator
505-827-7227

Income Support Division
Vida Tapia-Sanchez
Bureau Chief
Policy and Program Development
505-827-7219

CYFD/Protective Services

Youth and Family Services Division
Jeanne Masterson
Chief Juvenile Probation Officer
5100 Second Street NW, Abq., NM 87107
505-841-7350
jeanne.masterson@state.nm.us

Deming
Irene Chacon
irene.chacon@state.nm.us
575-546-6557

Deming
Linda Padilla
lindal.padilla@state.nm.us
575-546-6567

Santa Fe
Matthew Esquibel
County Office Manager
Matthewa.esquibel@state.nm.us
505-476-5419
505-231-2560

Department of Health and Human Services

Office of Injury Prevention
Vicki Nakagawa
Violence Prevention Coordinator
vicki.nakagawa@state.nm.us
505-476-1726

Law Enforcement

Albuquerque

Albuquerque Police Department

Vice Unit
Sgt. Matt Thompson
505-280-9424

Federal Bureau of Investigation

Lenny Johns
Senior Supervisory Agent, SSRA
505-889-1300
leonard.johns@ic.fbi.gov

New Mexico State Police

Albuquerque Family Advocacy Center
Captain Quintin McShan
505-924-6065

U.S. DHS/ICE

Gilberto Figueroa
Resident Agent in Charge
505-307-0501

Denise Gutierrez
Victim Assistance Coordinator
505-307-1567

Deming

Luna County Sheriff's Department

Sgt. Joy Mullins
Coordinator for Deming Human
Trafficking Workgroup
jmullins@lunacountynm.us
575-546-2655
575-910-5007 (alt. phone)

6th Judicial District Attorney's Office

Margie Vesper
Victim Advocate
mvesper@da.state.nm.us
575-542-3260

Gloria Rios
Victim Advocate
grios@da.state.nm.us
575-546-6526

Jessica Olivas
Victim Advocate
jolivas@da.state.nm.us
575-313-4060

Armand Velez
Deputy District Attorney
avelez@da.state.nm.us
575-546-6526

Deming Police Department

Conrad Jacquez
hawkez78@yahoo.com
575-546-3011 ext# 120

New Mexico State Police

Robert Gomez
Assistant Commander
robert.gomez@state.nm.us
575-546-6631

Steve Harvill
District Commander
steve.harvill@state.nm.us
575-546-6631
575-574-5550 (alt. phone)





Deming

United States Border Patrol

Jerry Galvan
Special Operations Supervisor
Office (575) 544-6107
Cell (575) 494-5178

Ian Smelser
Supervisor/Border Patrol Agent
(575) 544-6141

U.S. DHS/ICE

Michelle Arriaga
Special Agent
michelle.arriaga@dhs.gov
575-545-9276

Ruby Owen
Special Agent
(575) 545-9951

Farmington

Farmington Police Department

Sandy Rumore
Victim Advocate
srumore@fmtn.org
505-599-1004

Las Cruces

Doña Ana County Sheriff's Department

Sgt. Rudy Lopez
rudyl@donaanacounty.org
575-525-1911

Federal Bureau of Investigation

Ida D'Antonio
Special Agent
575-635-0859

Las Cruces Police Department

Special Services Section
Lt. Sean Kearney
skearney@las-cruces.org
575-525-4730

Sylvia A. Hall
Crime Victim Advocate/Program
Coordinator
shall@las-cruces.org
575-528-4111

Roswell

Roswell Police Department

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Santa Fe

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Santa Fe Police Department

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Silver City

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Deming

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Roswell

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Santa Fe

City of Santa Fe

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Letter to Law Enforcement

This manual represents the next evolution in my anti-human trafficking initiative to combat what many term “modern day slavery” in New Mexico. Our state now has a law against the practice and other tools designed to detect and stop human trafficking while helping victims recover from the trauma of being bought and sold by local and international criminals. This manual is intended to help law enforcement fight human trafficking in our state. I appreciate all of the efforts you are making to rid New Mexico of this horrific practice.



A handwritten signature in black ink that reads "Gary K." in a cursive, stylized script.

Gary K. King
New Mexico Attorney General



Paul Bardacke Attorney General Complex
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